

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

March 4, 2008 Minutes

Present: Raymond Arsenault, Gabriella Halmi, Arthur Russo, Kristen Rao, David Gobeille, and Town Solicitor Anthony DeSisto.

Excused: John Bart, Jina Karempetsos

Minutes

Motion made by Member Russo to continue the February 5, 2008 minutes for additional review and possible changes. Motion seconded by Member Gobeille. Motion carried with 5-0 vote.

Correspondence

One item of correspondence was received dated February 12, 2008 from Attorney James A. Briden requesting a one year extension under Lincoln Zoning Ordinance Article XI C for a Dimensional Variance which was approved for one year from the date of Judgment. In Russell Hervieux, Zoning Official's absence, Al Ranaldi, Town Planner will contact Attorney Briden and provide him with the hearing date.

Applications

JCM, LLC, 3437 Mendon Road, Cumberland, RI/Melissa McKee, 3437 Mendon Road, Cumberland, RI – Dimensional Variance application for lot width relief for property located on Jenckes Hill Road, Lincoln, RI. AP 26, Lot 2 Zoned: RA 40

Al Ranaldi, Town Planner addressed the Board stating he had been in contact with Michael Kelly, Attorney for applicant, asking that the application be continued to the April agenda because he was being treated for illness and applicant was out of town.

Motion was made by member Rao to continue this application to the April meeting. The motion was seconded by member Russo. Motion carried with a 5-0 vote.

Carlos Mendes, 48 Williams Street, Lincoln, RI – Dimensional Variance application for side yard setback for the construction of an addition on a corner lot.

AP 16, Lot 224 Zoned: RL 9

Applicant is seeking a 12.5 foot side yard setback for the construction of an addition. Property sits on a corner lot. He is getting married this summer and needs room for three additional children entering the household. Expansion will be to right side of existing house turning garage into a family room and adding a new garage with overhead bedrooms bringing total bedrooms to four. Minimum side yard setback is fifteen feet by code. Chairman read into the record

letter from neighbors stating they have no objection to what applicant is proposing (submitted notarized letter from neighbor Peter & Tammie McNaught, 50 Williams Street as Exhibit #1).

There is a wall behind the house which runs with the property line. Roofing and all materials will match existing house. Roof pitch will also match the existing house. Driveway will be moved to accommodate the new garage. Existing square footage of the house is 1,900 sq.ft – addition will increase house to 2,700 square feet. If he cannot obtain variance will need to sell the house and move.

Applicant informed the Board that one of the notices was return (envelope addressed to Kevin & Donna Lipsett/Barbara Boghossian, 13 View Avenue, Lincoln, RI 02865) which he hand delivered to proper address of 48 Williams Street, Lincoln, RI on 2/27/08 and witnessed Carlos Mendes and Donna Lipsett's signatures (submitted notification into the record as Exhibit #2) Chairman read statement that they received notification into the record. Town Solicitor DeSisto reviewed the document and felt sufficient notice had been served.

Chairman Arsenault read into the record Planning Board recommendation:

The Technical Review Committee reviewed the submitted site plans and visited the site. The Planning Board recommends Approval of this application for a Dimensional Variance. The Board feels that the layout of the existing single family house and the proposed addition

is limited because the lot is a corner lot. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Planning Board feels that granting this dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Opposed:

Norman McCaw, 289 Reservoir Avenue, Lincoln

He is an abutter to the property. Feels applicant could convert existing garage into two bedrooms and have no need for an addition.

He is concerned about flooding and water table at the site. Showed Board photos from May 2007 showing flooding of his lot from rainfall.

He does not see the need to expand the property. Afraid will lose topsoil. Problem has been ongoing and did not occur after neighbor received a Dimensional Variance last year. Previous owner also had water problems. Mr. McNaught is not connected to the sewer but installed a pump to address the water table problem.

Member Russo addressed applicant asking if he would be removing any trees. Applicant replied he removed one tree at Mr. McNaught's request. He also stated Mr. McCaw's basement sits below the water line and sees no impact on what he intends to do. Sixteen feet to the right is already at grade. Member Halmi asked when the property was purchased and applicant replied May of 2006. Member asked applicant if approved would he be opposed to the condition that plantings be placed along an existing wall to help with water

absorption and applicant replied he had no objections. Member Russo stated that if it were not a corner lot applicant would be in conformance.

Motion made by Member Halmi to approve 12.5 foot relief on the southwest corner of the property with a condition that trees or arborvitaes be planted along the existing wall and to the right of the property. She further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Tony Mullen, President Lincoln Development LLC, 222 South Manoa

Road, Havertown, PA – Dimensional Variance application for height relief and parking relief for a proposed 172 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Special Use Permit application to construct a proposed 8 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 40 Zoned: BL 5

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Special Use Permit application to construct a proposed 172 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Special Use Permit application to construct a proposed 180 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Dimensional Variance application for height

relief and parking relief for a proposed 180 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Represented by: Peter Ruggiero, Esquire, 20 Centerville Road, Warwick, RI

Attorney Ruggiero addressed the Board stating he has filed an application with the Town Planner to merge Lots 38 and 40. The Town Planner approved the administrative subdivision but the plan has not been recorded. It is their intent to record the plan and treat it as one application. Applicant wants to combine these applications for one project for both lots and do a presentation and the Board would have to vote on each permit.

Attorney DeSisto stated if the Board were to grant this request the Board it would be conditioned on the administrative subdivision being recorded. The Board would need to vote to combine the two special use permits and the two dimensional applications. The Planning Board treated this as one project as opposed to two separate ones. There is no violation of notice because there is no relief being asked for other than what is presented.

Motion made by Member Halmi to allow the merging the two Special Use permits for Lots 38 and 40 for 172 units. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Motion made by Member Halmi to allow the merging of the two Dimensional Variance applications for Lot 38 for 180 units. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Special Use Permit application to construct a proposed 180 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Tony Mullen, President Lincoln Development LLC, 222 South Manoa Road, Havertown, PA – Dimensional Variance application for height relief and parking relief for a proposed 180 unit senior residential community on property located at George Washington Highway, Lincoln, RI.

AP 31, Lot 38 Zoned: BL 5

Applicant wants to construct 180 units – 172 units in one building + 8 cottages. Parking relief application is seeking less than required the required (270 parking spaces required – they are proposing 193 parking spaces). Town ordinance for building height is 50 feet and applicant is also asking for height relief of 15 feet. Applicant has appeared before the Planning Board and received Master Plan approval with conditions.

Witness:

Edward Morris, Director of Development

He works with the engineers to ensure project runs smoothly and is also an NEBF affiliate. Average age of resident in these communities is 80-84 and few have automobiles. Feels this would fit into the neighborhood and would be located next to Lincoln Mall which could provide services to the residents. Has been conducting this type of work for 33 years. Independent living residents are provided with activities to keep them active whereas assisted living residents require more nursing care. They are presently communicating with Lincoln Mall to provide a driveway easement through the mall and the main entrance to site will be from George Washington Highway.

Chairman Arsenault read into the record standards that need to be met for a Special Use permit. Attorney DeSisto stated the easement is not part of the administrative subdivision that has been approved and has not been recorded. There is no easement deed that the town has seen although a letter has been sent in which is a condition of the Planning Board and it should be a condition of the Zoning Board if it grants the application. Chairman stated that another condition would be that 80% occupancy would be by residents 55+ in age with no person 18 years of age or younger.

Witness

Scott Lingren, Civil Engineer

Received a BA from Dartmouth, has been a civil engineer for fifteen

years and is licensed in Rhode Island and Massachusetts. Motion made by Member Halmi to accept Mr. Lingren as an expert witness. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Mall would be located to the left of the site with the Marriott and Sunoco Station to the south. Total area of site is 12.2 acres. Property fronts on George Washington Highway and slopes north to south with 60 feet radiant change. There are three wetland areas which need to be addressed and they have filed paperwork with Department of Environmental Management. Water, sewer, gas and telephone are available with no onsite wells or septic systems. Building will be four stories high plus a lower level totaling five stories high. Cottages will consist of two units per cottage for a total of four standing units. Need 15 foot height relief for 172 units. Building will fit topography of area. All activities will take place on the first floor. Existing Marriott building will shield view to this facility. Vegetation is deciduous and roof of building will mostly be for architectural purposes – not a flat roof. Site is sloping and rocky.

Landscaping at the site will consist of courtyard areas to encourage residents to go outside. Spoke with abutters about the proposed plans and they are concerned about the rocky areas of the site. Abutters informed applicant is working with the town to address their concerns. If blasting is necessary applicant will follow state mandates. Lighting fixtures will be more residential than commercial with some security lights.

Member Halmi asked if parking would be available for the cottages and witness replied yes. Each cottage will have garages and additional parking for visitors. Chairman asked if they planned on planting any evergreens and witness replied it is their intention to landscape with some evergreens.

Witness

Robert J. Moitozo, PE, Pare Corporation

Witness submitted his resume as Exhibit #2. Received his BA from UMASS in 1984 and is licensed in Rhode Island and Massachusetts. Licensed Professional Engineer. Motion made by Member Halmi to accept Mr. Moitozo as an expert witness. Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Was retained to perform parking analysis. Town requires 1.5 parking spaces per unit and he feels that this requirement does not apply to this application. Average parking requirements for 80-84 residents is 0.3 parking per unit. There is sufficient parking for staff of 20. Member Halmi asked how residents will be accessing the mall and witness replied walking path with possible pedestrian light. Pedestrian traffic was a concern stated at the Planning Board meeting. Applicant is looking into a solution to address drivers entering the mall through main entrance near Stop & Shop. Shuttle service will be provided for residents living at the facility. Traffic review performed in 2005 showed 14 trips during am peak hours and 20 trips during pm

hours. It may be necessary to obtain a physical alteration permit from the Department of Environmental Management.

Chairman Arsenault read into the record Planning Board recommendation for AP 31, Lot38:

Members of the Technical Review Committee visited the site and reviewed the submitted site plans and application. Based on the submitted plans, the Planning Board feels that the applicant has successfully addressed all of the requirements of a special use permit. The Planning Board feels that this plan represents good land development and recommends Approval of this special use permit. The Planning Board feels that granting this special use permit will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Chairman stated there were no conditions specified in the Planning Board recommendation. Al Ranaldi, Town Planner replied that conditions have already been applied by the Planning Board.

Chairman recommended the Special Use application be approved with the conditions that:

- Lots 38 and 40 be merged and recorded
- Easement with Lincoln Mall be recorded
- Occupancy shall be per persons 55+ in age and no one 18 years or younger can be a permanent resident

- Applicant will continue to seek Department of Environmental Management approval
- Planning Board will provide final approval of the project

Motion made by Member Russo to approve the special use application with the above listed conditions. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.

Motion made by Member Gobeille to approve the dimensional variance for 15 feet height relief and reduction of parking spaces to 193. Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Motion was made by Member Halmi to adjourn. Motion was seconded by member Russo carried with a 5-0 vote.

Respectfully Submitted,

Ghislaine D. Therien

Zoning Board Recording Secretary